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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,756	10/16/2000	Fatih M. Uckun	12152.76USD1	1604

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EXAMINER

LIU, HONG

ART UNIT PAPER NUMBER

1624

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/688,756

Applicant(s)  
Uckun et al.

Examiner  
Hong Liu

Art Unit  
1624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-35 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10 6) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/2/03 has been entered.

Since applicants did not make any new arguments or amend the claims, the previous office action is repeated as follows:

Applicant response filed on November 25, 2002 in paper No. 11 is hereby acknowledged.

### ***Rejection Maintained***

Applicants' arguments were fully considered but were not found persuasive. Therefore, rejections to claims 30, 32, 33, and 35 under 35 U.S.C. 102(b) and claims 30-35 under 35 U.S.C. 103(a) are maintained for reasons already made of record notwithstanding applicants' traverse.

### ***Claim Rejections - 35 USC § 103***

Rejection to claims 30-35 under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (WO 95/15758) is maintained for the reasons set forth in the office action mailed in paper No. 7

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and 9. Applicants first argue that the mode of action of the reference compounds is to inhibit CSF-1R receptor tyrosine whereas the mode of action of the instantly claimed compounds is inhibition of JAK-3, a non-receptor tyrosine kinase. The distinction drawn by the applicants, although persuasive, is not particularly relevant in the nonobviousness analysis because the claims are not directed to subject matter of inhibition of JAK-3 or CSR-1R. Rather, the claims are drawn to a method of treating inflammation using the 6, 7-alkoxy quinazoline compounds. Therefore, the issue is whether the inflammation caused by CSF-1R abnormality is so different from the JAK-3-mediated inflammation that the reference compounds are only good at inhibiting autoimmune inflammation and the instantly claimed compounds are only effective in treating UVB-radiation induced inflammation. From what applicants' description of these two types of inflammation, it appears that both UVB radiation caused inflammation and autoimmune inflammation involve activated macrophage and elevated levels of cytokines. If the quinazoline derivatives are effective in modulating the activated macrophage such that the production of the pro-inflammatory cytokines could be reduced, one would expect that the quinazoline compounds could be used to treat autoimmune inflammation and inflammation involving JAK-3 because of the similarity of the underlying mechanisms of these two types of inflammation. Absent experimental evidence showing that the reference compounds are indeed effective in treating autoimmune inflammation but not JAK-3-associated inflammation, applicants' conclusion that "compounds that might inhibit inflammation in the one may not inhibit inflammation in the other" does not seem to stand on a firm ground.

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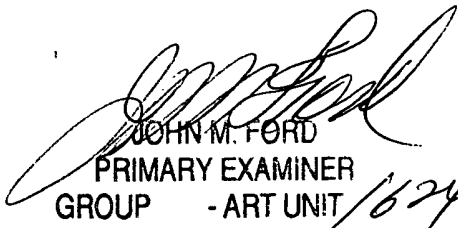
In view of applicants' amendment not overcoming the art rejection, this application is not placed in condition of allowance.


***Claim Rejections - 35 USC § 102***

Claims 30, 32, 33, and 35 remain rejected under 35 U.S.C. 102(b) as being unpatentable over Myers et al. (WO 95/15758) for the same reasons given above.

Any inquiry concerning this communication should be directed to Examiner Hong Liu whose telephone number is (703) 306-5814. If attempts to reach the examiner by the phone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached at (703) 308-4716. The fax phone number for this group is (703) 308-4734 for "unofficial" purposes and the actual number for official business is (703) 308-4556. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose number is (703) 308-1235.

Hong Liu  
January 31, 2003

  
JOHN M. FORD  
PRIMARY EXAMINER  
GROUP - ART UNIT 1624

  
Mukund Shah  
Supervisory Patent Examiner  
Art Unit 1624